



Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

State Rep. Robert Turner
Testimony on 2007 Assembly Bill 767
Assembly Committee on Children & Family Law
February 21, 2008

Good morning committee members and guests.

I am here to tell you about Assembly Bill 767, which relates to notification procedures for victims of domestic abuse, child abuse, or harassment injunctions.

Representative Suzanne Jeskewitz and I have introduced this bill to close a loophole that exists in state law that puts individuals at risk who have filed complaints for protective orders.

Currently in Wisconsin, a person who seeks a domestic abuse, child abuse, or harassment



restraining order gives the circuit court the name and address of the respondent to be served with the petition, along with an explanation of the respondent's conduct that led to the complaint.

The action is commenced once the respondent is served with the petition, generally by a member of the county sheriff's department, and an affidavit of the service of the petition is filed with the circuit court.

The court may issue a temporary restraining order against the respondent if it finds reasonable grounds to do so. A date is then set for a hearing, at which time both parties may appear in court to present evidence.

Assembly Bill 767 creates a new procedure that allows the petitioner to provide the

clerk of circuit court with their name, address, telephone number, and e-mail address to notify the victim of the day the respondent is to be served with the protective order. This is done by filling out a simple form at the time the complaint is initiated. The court may notify the petitioner by telephone, e-mail, or regular mail.

I was requested to introduce this legislation by the Mary Byron Foundation, a public charity that supports nationwide efforts to stop domestic violence. Many states have adopted statewide victim notification systems, but only a few have extended the notification process to include protective orders.

My Assembly co-author, Representative Suzanne Jeskewitz, and I believe this event is very important, since law enforcement only has authority to enforce an order after it has been served. Moreover, the act of serving that order has the potential to trigger a violent reaction on the part of the defendant. For both of these reasons, informing victims of the service of the order is potentially life saving. In many instances, without this type of notification, respondents who have been served do not acknowledge this to their victims, and use this interim time to get physically close to their victims to threaten or harm them.

Therefore, I ask that you consider the value of this simple bill. It will save lives and

keep our citizens safe when they are in
these very vulnerable situations.



ALL AMERICAN PATRIOTS
Dispatches from the Depths of U.S. Government

Missouri Governor Announces Enhanced Notification System to Help Crime Victims

Wed, 10/24/2007

October is Designated as Domestic Violence Awareness Month

October 23, 2007 -- JEFFERSON CITY - Missouri Governor Matt Blunt today announced the completion of an enhanced statewide automated notification system regarding protective orders as the state recognizes October as Domestic Violence Awareness Month.

"During Domestic Violence Awareness Month, I urge all Missourians to join together in recommitting themselves to eliminating domestic violence and reaching out to its victims, letting them know that help is available," Blunt said. "I am pleased to announce this enhanced system intended to provide crime victims with the information they want to know about their attackers' custody and court status. This system will help provide security and emotional peace of mind by allowing victims to be notified in real time when the protection order they request has been served."

Since 1987, October has been observed as Domestic Violence Awareness Month. During this time, the efforts of many committed organizations are highlighted and recognized in order to increase public awareness of domestic violence and the needs of battered women and children.

Today's announcement is part of an ongoing effort to enhance and expand victims' rights and services. The state currently has a database that tracks offenders' custody and court dates and notifies crime victims when there is a change in their offender's custody status. The automated system known as MoVANS empowers crime victims with the facts of their case and eliminates paperwork and guesswork to receive pertinent information about their attacker and the resources to obtain the information.

The notification system is now enhanced to notify victims when their request for a protection order is served as well as other confidential updates and information regarding their case at any time, day or night.

Petitioners will have the option of registering for automatic updates using a confidential PIN and their own phone number. By simply calling the toll-free number at 1-866-566-8267, victims can get confirmation that a protection order has been served and receive information regarding upcoming court hearings.

During this past June, the project was tested in four Missouri counties including St. Louis City, Boone, Buchanan and Cole. October marks the beginning of a statewide roll out to implement the system across the state.

Gov. Blunt signed comprehensive legislation in 2007 enhancing laws protecting women and children who fall victim to domestic violence and sexual assault. The legislation under Senate Bill 429 and House Bill 583 increases sentencing terms for repeat domestic violence abusers from 5-15 years in prison to 10-30 years, or life in prison and also requires the state to cover the charges of forensic examinations for victims of sexual offenses who are uninsured. Also the bill protects communications among sexual assault survivors and advocates at rape crisis centers.

Last week the governor announced he plans to recommend that more than \$2.3 million be available to cover medical exam costs associated with rape or sexual assault in next year's budget. The governor is also recommending that \$1.8 million be made available in the supplemental budget to protect victims. This funding will ensure that sexual assault victims will not be further traumatized by being forced to pay for the medical exams needed to collect information about their attacker's DNA which requires specialized training. These exams can be vital in the successful prosecution of the assailant and the health of the victim.

The Missouri Office for Victims of Crime is a program within the Department of Public Safety created to provide a liaison between victims, victim service providers, and the criminal justice system.

Source: Missouri Governor

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DAVID W. KECK
COURT COMMISSIONER
WINNEBAGO COUNTY, WISCONSIN

Representative Susan Jeskewitz
Children and Family Law Committee
314 North, State Capitol
P.O. Box 8953
Madison, WI 53708

Re: 2007 Assembly Bill 767

Dear Ms. Jeskewitz,

It has come to my attention, that the above-cited assembly bill is scheduled for a public hearing on February 21st of this year.

I have some concerns about the proposed bill, and would ask that you consider these when the issue comes before the committee.

First, attached to the proposed bill is an *Analysis by the Legislative Bureau*, which I believe is based upon an inaccurate view of the current state of the law in regards to petitioning for a Temporary Restraining Order: specifically, the analysis states that "...a petition setting forth the name and address of the petitioner and respondent..." (emphasis added) is submitted to the circuit court.

Petitions for temporary restraining order do not contain this information about the petitioner, only about the respondent. Petitioners in domestic violence, or in harassment stalking cases, could be placed in danger if the respondent learns of their address, phone number, or email address. These are civil cases, and are open files.

Proposed Bill 767 seems to contemplate that personal information be gathered and kept on a petitioner, in order to inform the petitioner that the respondent has been served. I am concerned, that petitioners may be subjected to inadvertent disclosure of personal information at a time when they are most vulnerable; when they have asked the court to intervene for their safety.

I believe that there are currently sufficient safeguards in place to permit the petitioner to discover whether or not the respondent has been served with the Temporary Restraining Order. In Winnebago County, the sheriff delivers the certificate of service to

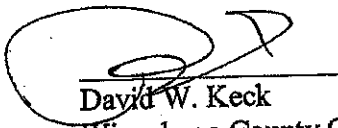
the petitioner. Petitioners are allowed to contact the sheriff directly, to inquire into the status of service attempts.

Another concern is that any means of contact by the court to the petitioner has the potential for interception by the respondent, with the potential for disclosure of contact information to the respondent.

In my view, the petitioner should be free to contact the court or sheriff's department, but the contact should be unilateral, and initiated by the petitioner, unless the contact is face-to-face by law enforcement.

Please consider the alternatives to enacting this proposed bill. If you have any questions or comments, please feel free to contact me at (920) 236-4635.

Sincerely,

A handwritten signature in dark ink, appearing to be "David W. Keck", written over a horizontal line.

David W. Keck
Winnebago County Court Commissioner

Program to help domestic abuse victims

Thursday, January 31, 2008 | 8:24 PM



By Kevin Quinn

FORT BEND COUNTY, TX (KTRK) -- Victims of domestic violence often face the most danger when they first try to reach out for help or protection.

Now, a new program is in the works that is meant to help people during their most vulnerable times.

The Fort Bend County Sheriff's office is launching a pilot program and it is the first of its kind anywhere in the state. It's designed to help victims help themselves because experts say victims of domestic violence are at renewed risk of harm shortly after their abuser finds out there is a protective order issued against them.

Within 90 seconds of a protective order being issued by a judge or served by a constable, a victim of crime in Fort Bend County will soon be able to register to receive a phone call like this:

"The respondent is restrained from committing acts of domestic abuse against the petitioner."

Till now, a victim may not have known for days if an order had actually been issued or if an officer was able to serve it to the person who had been attempting to hurt them. It's the immediacy of that information through the Vine Protective Order System that is new.

"Immediately after an order is served on a respondent is incredibly dangerous," said Jeni Gamble of Vine Protective Order. "Victims are essentially sitting ducks."

But by registering on the website to be notified by phone or even by email, a victim can then take steps to better protect themselves.

"The victim is better served, the public is better served," said Sheriff Milton Wright of the Fort Bend County Sheriff's Office.

Sheriff Wright unveiled the program to area law enforcement today. He says it will also save thousands of man hours, keeping officers and clerks from having to answer repeated calls from victims trying to track down the status of a protective order.

"In the long run we save money on it," he said.

But piece of mind is something that can't be measured in dollars. We're not identifying this woman for her own safety. A protective order was recently issued against her

husband, though she struggled to get the information so that her children could be protected from him at school.

"To be notified immediately that you have a protective order, you automatically feel safe," she said. "So the sooner the better."

Some officers have concerns though, saying the program needs to share information with the state criminal information center so that any Texas law officer can check the status of a protective order at any given time.

The company which runs the program is working with DPS to make that happen. The Fort Bend County Sheriff's office has set aside \$35,000 from seized assets to pay for the program.

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THE NATIONAL CENTER FOR Victims of Crime

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Mary Lou Leary

January 11, 2008

Dear Legislator:

The National Center for Victims of Crime strongly supports efforts to improve crime victim notification. Timely notice to victims of important events and proceedings is essential to protect their safety, their rights, and their interests.

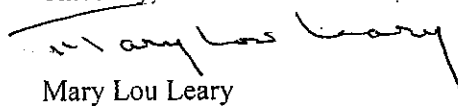
One important area of victim notification is frequently overlooked: notice to the victim that a court-issued protective order has been served on the respondent. This event is very significant, since law enforcement only has authority to enforce an order after it has been served. Moreover, the act of serving that order has the potential to trigger a violent reaction on the part of the defendant. For both of these reasons, informing victims of the service of the order is potentially life saving.

Technology has made it feasible for jurisdictions to provide immediate notice of this important event. A program launched in 1985, "Automated Victim Notification — Emergency Protective Order Status," has demonstrated great success in serving victims of intimate partner violence. The use of such an automated program can help build a coordinated community response to victims, increasing accountability and communication.

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for crime victims. Since 1985, we have worked with more than 10,000 grassroots organizations and criminal justice agencies serving millions of crime victims. Our mission is to forge a national commitment to help victims of crime rebuild their lives. Our work has involved thousands of victims of domestic violence, as well as the law enforcement officers and victim service providers who assist these victims. We have first-hand knowledge of the potentially devastating - even fatal - consequences of failing to notify a victim when a protective order has been served on the offender.

We believe strongly in this effort and encourage state lawmakers to take a close look at protective order notification as the upcoming legislative session approaches. We are confident that notifying victims — and keeping them informed when they are the most vulnerable — saves lives, holds offenders accountable, and improves community safety overall.

Sincerely,


Mary Lou Leary

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DuPage County, Illinois is among the First Communities in the Nation to use Automated Notification for Service of Protective Orders

By Sheriff John E. Zaruba

Across the country, victims of domestic violence and sexual assault look to the justice system to help give them the protection they need from an abusive partner. This often comes in the form of an order of protection, also known as a restraining order, emergency protective order, or victim protective order. These orders prohibit the violent partner, also known as the respondent, from committing further acts of violence, communicating with the victim, and potentially ordering them to vacate their shared residence.

Study results vary on the number of victims who petition the courts for an order of protection. However, both a 1999 *Journal of Family Violence* study and a 2002 *Journal of the American Medical Association* article found that protective orders are associated with lower rates of repeat violence.

Criminal justice professionals agree that the time immediately after an order of protection is served can be particularly dangerous for some victims. With the violence now public, abusers may feel they have nothing to lose. The risk of receiving repercussion heightens enormously.

Unfortunately, victims rarely know when the order has been served and must track

down this information from the courts. The fear between the time the order is written and the time it is served can be all consuming. If a victim can be notified immediately when the order is served on the respondent, he or she can go to a safe and confidential location, take a different route home from picking up the children, or even leave town altogether.

Here in DuPage County, IL, just west of Chicago, more than 3,000 orders of protection are served each year by my office. We

also field a number of calls from victims wanting to know if their order has been served.

In an effort to heighten victims' safety, we launched a service in February 2006 that

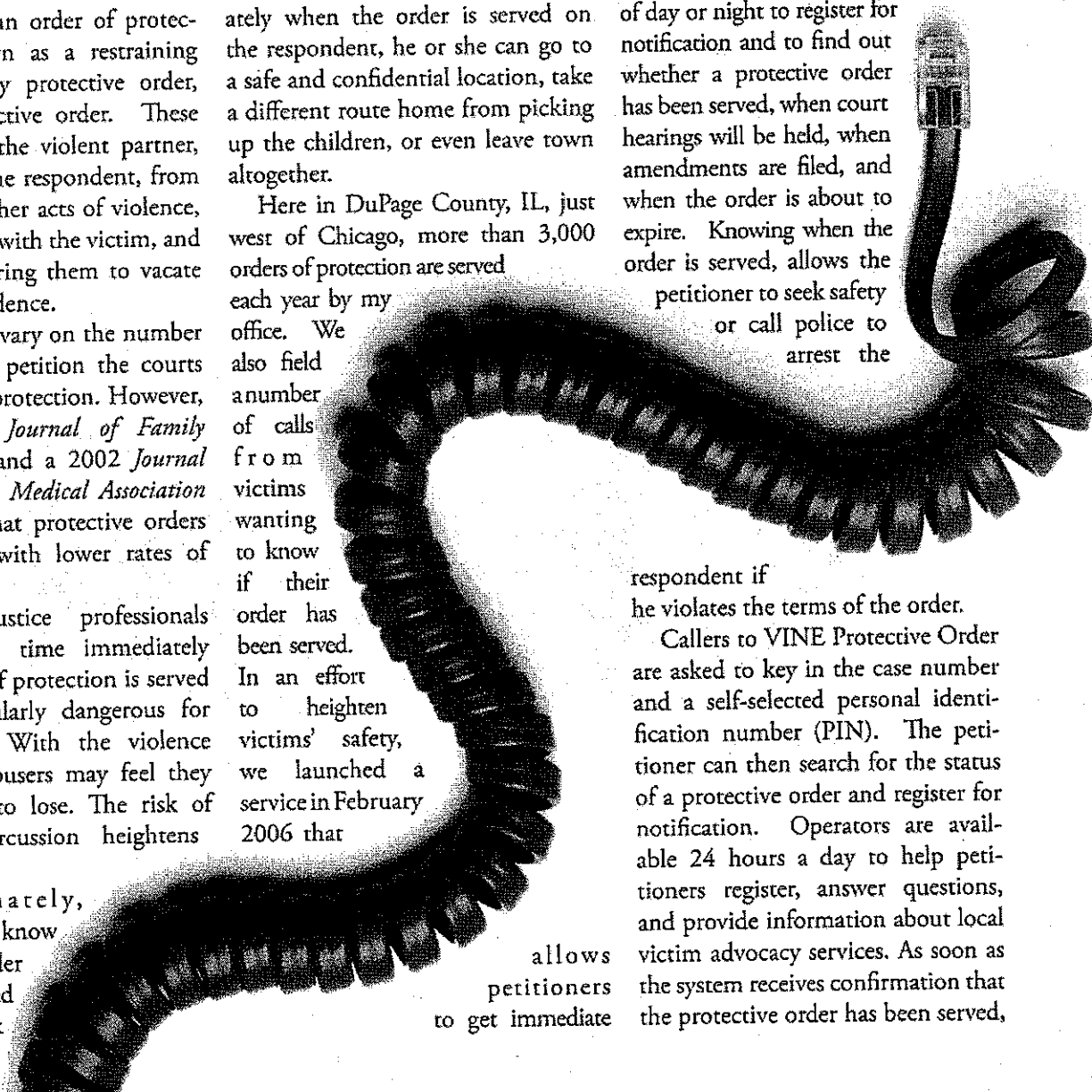
allows petitioners to get immediate

notification on the status of their protective orders.

This service, VINE Protective Order, allows petitioners to call a toll-free telephone number any time of day or night to register for notification and to find out whether a protective order has been served, when court hearings will be held, when amendments are filed, and when the order is about to expire. Knowing when the order is served, allows the petitioner to seek safety or call police to arrest the

respondent if he violates the terms of the order.

Callers to VINE Protective Order are asked to key in the case number and a self-selected personal identification number (PIN). The petitioner can then search for the status of a protective order and register for notification. Operators are available 24 hours a day to help petitioners register, answer questions, and provide information about local victim advocacy services. As soon as the system receives confirmation that the protective order has been served,



VINE Protective Order immediately begins placing notification calls to the registered petitioner.

In keeping with victims' safety efforts, information about protective order cases is accessible only to the petitioner and designated personnel. Court staff, victim advocates, and law enforcement officers can access the toll-free information line, as well as an in-bound telephone line and website, where they can modify or update the status of an order.

VINE Protective Order was designed to enhance safety, confidentiality, and empowerment for the petitioner. In addition, the service has improved the efficiency of our work. We no longer receive as many calls requesting the status of their order of protection — these callers can use the VINE Protective Order line instead.

Implementing VINE Protective Order was another way to help the victims of domestic violence in our community. I hope that every victim of domestic abuse realizes that while taking out an order of protection is the first step in protecting them-



selves, they also need to take the second step and register with VINE Protective Order to make sure they know when the order is served. This empowers them to take charge of their lives knowing there is legal recourse if their abuser violates any of the terms of the protective order.

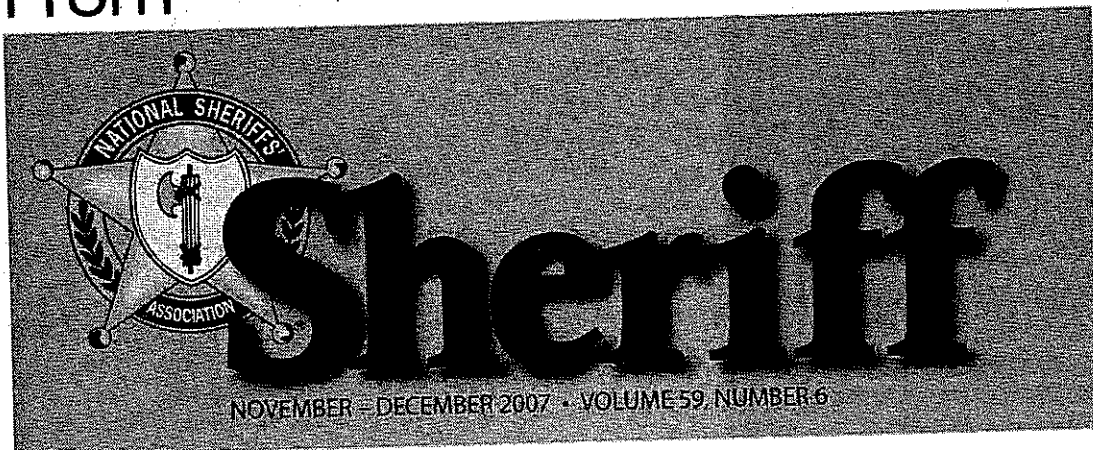
VINE Protective Order is built on the success of VINE, the National Victim Notification Network, which notifies

crime victims and other concerned citizens on the custody and court status of offenders. Appriss Inc., a government technology company based in Louisville, Kentucky, provides VINE to communities in 41 states and the District of Columbia, and offers VINE Protective Order in a handful of states.

Combating domestic violence has been a major initiative of my office since my tenure began more than a decade ago. In 1997, DuPage was the first county in Illinois to launch VINE (known in the state as AVN) to notify crime victims of their offenders' release from the DuPage County Jail. The following year, we created a full-time Family Protection Unit to focus on preventing, reporting, and protecting victims of domestic violence incidents in unincorporated DuPage County. ★

DuPage County, Illinois Sheriff John E. Zaruba is an executive committee member of the National Sheriff's Association Board of Directors. He joined the DuPage County Sheriff's Office in 1974 and has served as Sheriff since early 1997.

From



Memo



To: Members of the Assembly Committee on Children & Family Law

From: Josh Freker, Policy Director, WCADV, 608-255-0539 or joshf@wcadv.org

Date: February 21, 2008

Re: Testimony for information purposes on AB 767

Thank you for providing an opportunity to share my organization's perspective on AB 767. I represent the Wisconsin Coalition Against Domestic Violence (WCADV), which is the statewide voice for victims of domestic violence and the local programs in every county of our state that serve them. I regret that I could not attend today's hearing due to prior commitments. I am submitting these comments for information purposes on AB 767.

We greatly appreciate the efforts of the bill's sponsors and cosponsors to identify ways to help injunction petitioners have access to timely notification of service. My organization offers twice-yearly "basic restraining order" trainings to advocates at local domestic violence programs who offer information and support to domestic abuse victims seeking protective orders. We offer technical assistance to these advocates throughout the year, and they often contact our office to ask questions or report concerns about restraining order processes in their counties. We also consistently partner with law enforcement and the court system on various task forces and trainings. All of this gives WCADV "eyes and ears" on restraining order processes across Wisconsin.

We appreciate the overall aim of AB 767. The portion of the bill that asks the director of state courts to prepare a form with information about notification of service for petitioners is helpful. However, we have a few concerns about how it would function if passed.

Our concern is the requirement that clerks of courts notify the petitioner. Because this is not currently a role that clerks play, the bill will create a new step in the process, at least for those petitioners who request notification. If clerks have a new duty to provide petitioners with notification, it could potentially lengthen the period of time between the issuance of the temporary restraining order and the injunction hearing. And of course, timeliness is a major factor for many victims who rely on this process to maintain their physical safety. The clerk of courts will have to implement a new process by which they contact the sheriff's department to track down information about the service, and, in turn, inform the petitioner of service. In addition to concerns about an extended timeline, we are also concerned that implementing and managing the new process could result in increased costs. If there are to be new costs to help victims with the restraining order process, my organization would certainly identify different priority areas for that funding (for example, extending the hours courts are open to handle these matters).

We would support a proposal for the director of state courts to modify the form for protective orders in two ways to address notification. One, the form could clearly inform petitioners that service of the temporary restraining order must occur before an injunction hearing can take place. This will help more victims understand the process. Two, the form could include language that informs victims they can contact local sheriffs' departments for notification of service. Our advocates already help thousands of victims with this. There would not be increased cost or an extension of time in the process since sheriff's offices are the ones who serve respondents. They already have this information at hand and often provide it to petitioners anyway, unlike the clerk of courts. However, AB 767 imposes a new, time-consuming task on clerks of courts' offices for an issue which we believe can be addressed in a more efficient and cost-effective manner.

Again, we very much appreciate the intentions of AB 767 and thank the authors for their attention to this issue. I am happy to discuss these issues at greater length. Feel free to contact me at 608-255-0539 or joshf@wcadv.org.

Thank you for your time and consideration of my remarks.

